

5/039/00.24  
incoming**Peter Brinton - reclamation and mining**

---

**From:** "Boyd" <brothers@cut.net>  
**To:** <peterbrinton@utah.gov>  
**Date:** 6/23/2011 7:04 AM  
**Subject:** reclamation and mining  
**Attachments:** DOGM Letter.odt

---

PNB 6/23/11

This letter will be signed and in the mail today, but in order to meet your deadline, i'm sending you this letter via email. it will arrive as a attachment so please open it. this document is leagally binding without a signature as long as it comes from my personal e-mail account.

thanking you in advance for your cooperation. I hope this works i've never done this before.

Boyd



From: Boyd A. Brothersen  
22 West Main, MT Pleasant, UT 84647

To: State of Utah Department of Oil, Gas, and Mining  
1594 West North Temple, Suite 1210  
P.O. Box 145801  
Salt Lake City, UT 84114-5801

Mr. Brinton;

As per your request I'm sending you this document to address the following issues:

- I have no current plans to further reclaim or mine at the site previously under permit issued to Mr. Todd Wilhite, (WAR) mine site called "Freedom from WAR."  
Presently I have no plans to reclaim or mine the property.  
Because of a number of factors:
  - A. the cost - to reclaim as I have done during the year 2010 has gotten to high.
  - B. health - a number of health concerns has surfaced.
  - C. contracts - because a complete cessation of reclamation activity, my contract with the wholesaler, has been canceled.
- My plan to reclaim the mine site during 2010 included - sifting through the huge mountains of rock, dirt, and debris, left by Mr. Wilhite and removing the landscaping boulders of sufficient size. Then grading them as to size, style and quality, then wholesaled to a landscape supplier, this was done to off-set the high cost of running large equipment. This was done under verbal approval by the Utah Dept. of Oil, Gas and Mining. I never *mined* rock from any other areas that was not initially disturbed by Mr. Todd Wilhite. I did dig holes in the ground to bury the non useable rock and debris, and reclaiming as I went.
- Presently I am ready to let Mr. Wilhite back on the property, under the following conditions:
  - A. all work to be completed by July 31, 2011. His crew, himself and machinery everything must vacate the property on or before that day.
  - B. **all work done will be under the supervision of a representative from DOGM, he can only be on the property when they are there.**
  - C. he adheres to all the rules and procedures outlined by DOGM, for reclamation R647-3-109, with particular attention to subsection 1.14, 4., 5., 6., 8., 12., 13, 13.11, 13.2, and 14 (as no care was taken to remove the top soil in the beginning, he going to have to it as I have done - sift through the piles of rock and find it) (all disturbed ground will have no surface rock larger than 2 inches). The guide lines by DOGM in regards to ground prep for revegetation will be followed.
  - D. *Mr. Wilhite will not be allowed near my machinery.*
  - E. absolutely no material of any kind (rocks, dirt, anything) will be removed from the property.
  - F. the fueling of equipment will be done in such a manner no spillage will be permitted, if oil or fuel spillage does occur, guide lines offered by the federal government will be followed. All reclamation will cease. The contaminated soil will be removed as hazardous waste taken to a waste disposal site and processed.
  - G. Mr. Wilhite will replace the entry gates and fences, that was damaged by him or his employees, and he agrees to finish grade the entry road.
  - H. I expect Mr. Wilhite to man up and not try to shift blame, I have done 50% of the reclamation already my self.
  - I. this is a one time offer, no extensions will be granted.



## To summarize:

- Currently I have no plans to do any more (reclaiming) mining, if I do decide to mine rock in the future, it will be preceded with a current NOI, an organized plan for mining and reclamation, and a approved permit.
- In the year 2010 it was made clear that I was responsible for the clean up of my property that Mr. Wilhite had abandon (2008), It was made clear I had no access to the bond Mr. Wilhite had posted and I had no money. I felt like it is not right then and still don't, I offered a solution that was in my view a win – win for everyone, I told them if they would allow me to reclaim the property and sell the rock that was there I would get it cleaned up. I had been making significant progress filling in holes that, I could bury my track hoe in, and flattening mountains of dirt. It has recently become apparent someone has a problem with that solution, I needed a permit and a bond for my own property, was threatened with penalties, and all activity was stopped immediately.
- The solution I'm proposing now is to offer a one time chance for Mr. Wilhite to enter my property and under very stringent DOGM guidelines get a chance to clean up a mess he created. The project he has is enormous, I don't feel like it can be done with a dozer, the top soil was mixed in with the rock and sub soil, under his extraction method but it can be done with a track hoe replacing the dirt and sifting out the top soil as its located. I have pictures of various area under different stages of reclamation that was done by me, I expect this example, as minimum standard from Mr. Wilhite.
- This gives us all a chance to clean our plate, first of all the state wins - cleaning up a mess that has been on the books since 2007. Second Mr. Wilhite wins - he gets his bond back, he clears his conscious, doing something he should have done without being told to do. Third I win - because it closes a chapter of my life and cleans up a mistake that I made, I trusted a person that made some real promises that he never intended to keep. I also win because I never have to think or say the words "Todd Wilhite" again.

Respectfully,